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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|---------------------|
| 10/091,759 | 03/05/2002 | Adnan M. M. Mjalli | 41305/271123 | 6863 |
| 7590 | 03/25/2004 | | EXAMINER | |
| Cynthia B. Rothschild Kilpatrick Stockton LLP 1001 West Fourth Street Winston-Salem, NC 27101 | | | | O SULLIVAN, PETER G |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1621 | |

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|--------------------|---------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/091,759 | MJALLI ET AL. |
| | Examiner | Art Unit |
| | Peter G O'Sullivan | 1621 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 29 December 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-7 and 11-62 is/are pending in the application.
4a) Of the above claim(s) 2-7, 11, 13-17, 19, 21-60 and 62 is/are withdrawn from consideration.
5) Claim(s) _____ is/are allowed.
6) Claim(s) 1 and 61 is/are rejected.
7) Claim(s) 12, 18 and 20 is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____.

Claims 1-7 and 11-62 are pending in this application. Claims 2-7, 11, 13-17, 19, 21-60 and 62 are held withdrawn. The prior rejections of the claims under 35 U.S.C. 102(b) as anticipated by Kalindjian et al., Tsukita et al., Sivanandaiah et al., Pirkle et al. and Chucholowski et al. and under 35 U.S.C. 103 as obvious over Chucholowski et al. as well as under 35 U.S.C. 112, first and second paragraphs are withdrawn in view of applicants' arguments and amendments.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 61 are rejected under 35 U.S.C. 102(b) as being anticipated by Peschke et al., US 6,274,584, who disclose [2-[[2-[2(methylamino)ethyl]phenyl]amino]-2-oxoethyl carbamic acid9H-fluoren-9-ylmethylester as a reactant.

Claims 12, 18 and 20 are allowable, but objected to as dependent on a rejected claim.

Any inquiry concerning this communication should be directed to Peter G O'Sullivan at telephone number (571)272-0642.



PETER O'SULLIVAN
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GROUP 1209